

HOUSE BILL REPORT

HB 2213

As Passed Legislature

Title: An act relating to state agency collection, use, and retention of biometric identifiers.

Brief Description: Concerning state agency collection, use, and retention of biometric identifiers.

Sponsors: Representatives Smith, Haler and Morris.

Brief History:

Committee Activity:

None.

Floor Activity:

Passed House: 5/25/17, 94-0.

Passed Senate: 6/13/17, 47-1.

Passed Legislature.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Modifies provisions regulating state agency collection, use, and retention of biometric identifiers.

Staff: Lily Smith (786-7175).

Background:

Effective July 23, 2017, state agency collection, use, and retention of biometric identifiers is regulated as follows:

- an agency is prohibited from obtaining a biometric identifier without notice and consent, and from selling the identifier;
- agency use, sharing, review, and retention of biometric identifiers is restricted;
- security policies, privacy policies, and retention schedules that address biometric identifiers are required; and
- biometric identifiers are exempted from disclosure under the Public Records Act.

For purposes of these provisions, a general authority law enforcement agency is excluded from the definition of "agency."

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

A number of changes are made to the provisions regulating state agency collection, use, and retention of biometric identifiers.

An agency may obtain a biometric identifier without notice and consent when acting under legal authorization. The restrictions on use, sharing, and retention of biometric identifiers do not apply when an agency is acting under legal authorization.

The exclusion of general authority law enforcement agencies from the definition of "agency" is removed. The prohibition on obtaining a biometric identifier without notice and consent is specifically not applied to general authority law enforcement agencies.

The definition of "biometric identifier" is modified to include DNA.

The following agencies are excluded from the prohibition on obtaining fingerprints or DNA without notice and consent, and provided a waiver process where there is need to obtain other types of biometric identifiers:

- limited authority law enforcement agencies;
- agencies with authorization for involuntary confinement; and
- the Attorney General's Office when engaging in specified functions.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect on July 23, 2017.